

KENTUCKY PROTECTION AND ADVOCACY (P&A) DIVISION

In Kentucky, your P&A Division is an independent agency of state government. P&A may be available to assist you if your rights have been violated due to your disability. P&A is the provider of legal advocacy for the following federally mandated programs.

THE PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES (PADD) PROGRAM was created by the Developmental Disabilities Assistance and Bill of Rights (SS) Act of 1975. P&As are required by the Act to pursue legal, administrative, and other appropriate remedies to protect and advocate for the rights of individuals with developmental disabilities under all applicable federal and state laws.

The governor in each state designated an agency to be the P&A system and provided assurance that the system was and would remain independent. The Administration for Children and Families, Administration on Developmental Disabilities (ADD), administers the PADD program.

THE PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI) PROGRAM was established in 1986. Each state has a PAIMI program which receives funding from the National Center for Mental Health Services. Agencies are mandated to (1) protect and advocate for the rights of people with mental illness and (2) investigate reports of abuse and neglect in facilities that care for or treat individuals with mental illness. Agencies provide advocacy services or conduct investigations to address issues which arise during transportation or admissions from such facilities. The system designated to serve as the PADD program in each state and territory is also responsible for operating the PAIMI program.

Substance Abuse & Mental Health Services Administration, Center for Mental Health Services (MHS), administers the PAIMI program.

THE PROTECTION AND ADVOCACY FOR INDIVIDUAL RIGHTS (PAIR) PROGRAM was established by Congress as a national program under the Rehabilitation Act in 1993. PAIR programs were established to protect and advocate for the legal and human rights of persons with disabilities.

Although PAIR is funded at a lower level than PADD and PAIMI, it represents an important component of a comprehensive system to advocate for the rights of all persons with disabilities. The system designated to serve as the PADD program in each state is also responsible for operating the PAIR program.

Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration (RSA), administers PAIR.

THE PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT) PROGRAM was created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act) to include funding for P&As to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in securing assistive technology (AT).

AT is any item, piece of equipment, or system that is used to increase, maintain, or improve the functional capabilities of a child or adult with a disability.

Office of Special Education and Rehabilitative Services, National Institute on Disability and Rehabilitation Research (NIDRR), administers PAAT.

ELIGIBILITY & PRIORITIES

The DD Act requires that PADD clients meet the definition of developmental disabilities defined in the Act as chronic and attributable to a mental and/or physical impairment which must be evident prior to the age of twenty-two. They tend to be lifelong and result in substantial limitations in three or more of the major life areas: Self-care, learning, mobility, economic self-sufficiency, receptive and expressive language, self-direction, and capacity for independent living.

Individuals eligible for PAIMI must have a significant mental illness or emotional impairment and reside in residential facilities. These facilities, which may be public or private, include hospitals, nursing homes, community facilities, homeless shelters, jails, and prisons. PAIMI may address issues which arise during transportation or admission to, the time of residency in, or 90 days after discharge from such facilities.

Persons eligible for PAIR are individuals with disabilities who are not eligible for the PADD or PAIMI programs or whose issues do not fall within the jurisdiction of the Vocational Rehabilitation P&A called Client Assistance Program (CAP).

Kentuckians seeking advocacy through PAAT may receive client-directed advocacy services if they have been denied assistive technology to which they were entitled. Goals also include systems change that will promote improved access to technology for Kentuckians.

In addition, P&As develop priorities, after receiving public comment, which establish case selection criteria. Priorities must ensure that the most vulnerable populations or those with complex advocacy needs are served before others. P&As must reach out to unserved or underserved populations. The need to prioritize is necessary as the demand for representation often exceeds the resources of the P&A system.

ACTIVITIES OF A P&A SYSTEM INCLUDE:

- ▶ **Investigating**, negotiating, or mediating assistance to problems expressed by persons with disabilities eligible for P&A services;
- ▶ **Providing** information and technical assistance to individuals, attorneys, governmental agencies, service providers, and other advocacy organizations;
- ▶ **Providing** legal counsel and litigation services to eligible persons and groups who meet the established priorities for the provision of services; and
- ▶ **Providing** education and training for their staff, governing boards, advisory councils, volunteers, service delivery professionals, constituency groups, and the community.

In addition, P&A systems interact with elected and appointed officials to share information which will assist policy makers in making legislative and administrative changes which benefit persons with disabilities.

Legally based advocacy for Kentuckians with disabilities is based on the following principles:

Equality, Equity, and Fairness - People with disabilities are full and equal citizens under the law. They are entitled to equal access to the same opportunities afforded all Kentuckians. People with disabilities are entitled to be free from abuse, neglect, exploitation, discrimination, and isolation and to be treated with respect and dignity.

Meaningful Choice and Empowerment - People, regardless of age, type, and level of disability have the right to make choices both with respect to daily routines and major life events.

Supports and Participation - Services and supports are shaped by the unique needs and preferences of each individual and assure and enhance opportunities for integration in all aspects of life. Services are age-appropriate and promised on the fact that people with disabilities continue to learn, change, and develop throughout their lives. For children, such growth is best accomplished within families and, for adults, within integrated communities.

Independence - Advocacy services are based on equal access, peer support, and self-determination to be achieved through individual, professional, and systems advocacy. Services are delivered in a manner that maximizes leadership, independence, productivity, and integration of individuals with disabilities.

Cultural Competency - Advocacy services reflect and are responsive to the diverse cultural, ethnic, and racial composition of the Commonwealth.

QUALITY AND ACCOUNTABILITY

Your P&A system is driven by case direction from its clients with disabilities and a desire to provide high quality services. Should you feel that you have not received high quality services, or if we did not agree to represent you, or if you are unhappy with P&A for any other reason, you may want to file a grievance. You should put your complaint in writing and sent it to the Director. If you cannot write, P&A will, on an individual basis, accommodate you in expressing your complaint in written form.

P&A takes complaints very seriously. A written complaint assures that P&A clearly understands your grievance. Written complaints are investigated and a copy of the written findings of fact is sent to the person making the complaint.

CONSUMER-DRIVEN PRIORITIES

If you are a consumer and would like to be more involved with P&A, there are opportunities to serve on one of P&A's advisory boards. These advisories meet every three months in February, May, August, and November. Anyone can attend an advisory meeting. Persons interested in attending should call P&A to find out the date, time, and location of the next meeting.

Additionally, during the month of July, P&A conducts an annual public comments survey. This offers anyone interested in having input into P&A's goals, objectives, cases, and systems change priorities an opportunity to be heard. If you would like to receive a copy of the survey, call P&A and ask to be put on the mailing list for a printed survey. Alternative formats are available, upon request, of the survey and all P&A publications in order to accommodate individuals needs.

For more information, contact:

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Frankfort, KY 40601

(502) 564-2967, 1-800-372-2988 (toll-free & TTY), (502) 564-0848 (FAX)

P&A, an equal opportunity employer and advocacy provider, does not discriminate on the basis of disability, race, color, national origin, sex, religion, or age.